



Qwest
1801 California Street, 10th Floor
Denver, Colorado 80202
Phone 303 383-6650
Facsimile 303 896-1107

Robert B. McKenna
Associate General Counsel

FILED VIA ECFS

EX PARTE

March 2, 2006

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW B-204
Washington, DC 20554

RE: *In the Matter of Annual Assessment of the Status of Competition in
the Market for the Delivery of Video Programming; MB Docket
No. 05-255*

This *ex parte* presentation adds to and explains further the Comments of Qwest Communications International Inc. ("Qwest"), filed September 19, 2005, in the above-captioned docket.¹

In those Comments, Qwest observed the undeniable fact that the local franchising process has created significant, often destructive, delays in the bringing of new wireline video competition to areas currently served only by an entrenched incumbent local cable television franchisee. In documentation of this fact, Qwest, among other examples, noted as follows:

Again, Qwest's experiences demonstrate the inherent delays of the franchising process. It has taken Qwest nearly three years of intensive effort to renegotiate its seven franchises in the Phoenix area, where Qwest is already operating under franchise, and to obtain eight new agreements in the Phoenix, Denver and Salt Lake City metropolitan markets. Despite the effort to obtain these franchises, Qwest still is only able to cover a small portion of the geographic area in these markets due to the fragmented nature of local franchising and the divergent demands of numerous local and municipal governments, each of which is its own LFA with its own regulatory requirements. At the current rate, assuming Qwest were able to negotiate acceptable terms and conditions with neighboring LFAs, it will take Qwest at least six more years to cover the complete footprint of the Phoenix, Denver and Salt Lake City markets. Often, Qwest will spend significant time in

¹ Qwest's Comments were actually filed in hard copy with the Office of the Secretary on September 20, 2005, accompanied by a Motion to Accept as timely filed on September 19, 2005. Qwest was unable to electronically file the Comments successfully on September 19, 2005 because of technical problems the FCC experienced throughout the evening with its Electronic Comment Filing System.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
March 2, 2006

Page 2 of 2

negotiating with LFAs only to discover that the LFA cannot or will not execute an acceptable franchise.²

This statement is true, and is consistent with the well-recognized problem caused by the fractured franchising system within the United States, a problem that is greatly exacerbated by the efforts of incumbent franchisees to use the franchising process to prevent the introduction of new wireline video competitors.³

However, it has been brought to our attention that this paragraph is being read incorrectly to imply that each individual franchising authority within these three areas was individually responsible for the delays described therein, or that we had been pursuing franchises in all three areas for three years. This is not the case. The disruption to the entire Qwest cable television plan described in the filing was total in nature—Qwest did not mean to imply that each LFA was creating, on an individual basis, the same multi-year delay that would cost Qwest “at least six more years to cover the complete footprint of the Phoenix, Denver and Salt Lake City markets.”⁴ Qwest has been pursuing various franchises in the Phoenix and Denver areas for the last several years with mixed success. Qwest’s franchise efforts in the Salt Lake City area are more recent. In Salt Lake City, the actual negotiation process leading up to the approval by the City Council took two and one-half months and was a model of how the process should be conducted.

Please associate this *ex parte* presentation with the file in this proceeding. This filing is being made electronically via ECFS pursuant to FCC rule 47 C.F.R. § 1.49(f).

Very truly yours,

/s/ Robert B. McKenna

² Comments at 12-13.

³ See, e.g., Comments of Verizon at 27-38, AT&T Inc. at 23-28, BellSouth Corporation and BellSouth Entertainment, LLC at 10-20, United States Telecom Association at 51-57, all filed on Feb. 13, 2006 in MB Docket No. 05-311, *In the Matter of Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*.

⁴ Comments at 13.